

REMARKS

Reconsideration of the pending application is respectfully requested in view of the following observations.

1. Interview Summary

An interview was conducted on July 28, 2010 regarding the preliminary amendment filed on May 5, 2006. The Examiner acknowledged that the preliminary amendment was not considered when the restriction requirement was made and withdrew the restriction requirement after considering the preliminary amendment.

2. Rejection of claims 28, 30, and 33-37 under 35 USC 102(b) in view of US patent 5,754,222 (*Daly*)

Reconsideration of the rejection is respectfully requested in view of the claims and the following observations.

By way of review, claim 28 recites a system for testing a display. The system comprises a test generator arranged to display a series of test patterns, each at a different luminance or color, and with a predetermined minimum difference of luminance or color from their background, each pattern being unpredictable to a user, and having a test evaluator arranged to determine and record if the user has correctly identified each of the patterns. The test generator is arranged to display alongside each displayed test pattern a selection of candidate patterns for the user to choose a matching pattern.

It is submitted that *Daly* fails to disclose all of the features of claim 28.

First, *Daly* does not disclose the user choosing from a selection of candidate patterns, the pattern which matches the test pattern. *Daly* is directed to determining the characterization of the display using input from an observer. The test pattern is shown on display (24), and the observer selects a component of the pattern that meets a specified visual criterion (26) (see col. 4, lines 55-58). The criterion used depends on the parameter being determined.

In estimating the normalized offset  $\beta/\alpha$ , the user selects the darkest visible disk from a range of disks (32) (see col. 8, lines 29-31 and Fig. 3). To determine the  $\gamma$  parameter, a transparency (55) is held over one of the patches, and the observer adjusts the code value of the patch covered by the transparency (55) until the brightness of the patch is equal to the brightness of the uncovered patch (see col. 9, lines 65 – col. 10, line 2 and col. 10, lines 32-37). Another example of how to determine the  $\gamma$  parameter is for the observer to select the row that has the most uniform brightness differences across the row (col. 2, lines 14-15). In determining the color temperature, the observer chooses the best neutral grey from a number of displayed grey scales (see col. 14, lines 34-36).

The observer in *Daly* does not choose a candidate pattern which matches the test pattern. In actuality, the observer is instructed to use his judgment to select a pattern based on a criterion rather than the more precise method in the instant application of determining which candidate pattern matches the test pattern. In order to determine which candidate pattern matches the test pattern, a comparison between the test pattern and multiple candidate patterns must occur. The observer in *Daly*, however, performs no such comparison.

While a comparison is performed in determining the  $\gamma$  parameter using two patches (60, 62), the observer does not perform the comparison between one test pattern and a selection of candidate patterns. The comparison is done between patch (60) and patch (62).

Second, *Daly* does not disclose a test evaluator arranged to determine and record if the user has correctly identified each of the test patterns as required by claim 28.

The system in *Daly* is directed to characterizing the display system and does not evaluate whether the observer has selected the correct pattern. The correctness of the observer's selection is not evaluated in *Daly* since the observer's selection is used in estimating parameters used in the CRT display model equations.

Therefore, *Daly* does not disclose all of the features of claim 28.

Claim 37 recites features similar to those of claim 28 and is allowable for reasons similar to those above. Moreover, claims 30 and 33-36 depend from claim 28 and are likewise allowable

for the reasons above in view of their dependency from claim 28 and their individually recited features.

Withdrawal of the rejection of the claims in view of the prior art is kindly requested.

2. Rejection of claim 31 under 35 USC 103(a) over US patent 5,754,222 (*Daly*)

Reconsideration of the rejection is respectfully requested in view of the claims and the following observations.

Claim 31 depends from claim 28 and is likewise allowable for the reasons above in view of its dependency from claim 28 and its individually recited features.

Withdrawal of the rejection of the claims in view of the prior art is kindly requested.

3. Rejection of claim 38 under 35 USC 103(a) over US patent 5,754,222 (*Daly*) in view of US publication 2001/0048733 (*Schulze-Ganzlin*)

Reconsideration of the rejection is respectfully requested in view of the claims and the following observations.

Claim 38 depends from claim 38 and is likewise allowable for the reasons above in view of its dependency from claim 38 and its individually recited features. Moreover, *Schulze-Ganzlin* does not cure the deficiencies of *Daly* since *Schulze-Ganzlin* does not disclose a test evaluator arranged to determine and record if the user has correctly identified each of the patterns and the user selecting a matching pattern from a selection of candidate patterns.

Withdrawal of the rejection of the claims in view of the prior art is kindly requested.

4. Allowable Subject Matter

The Applicant thanks the Examiner for the indication of allowable subject matter in claim 29.

5. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Date: February 18, 2011

Respectfully submitted,

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